

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARK GALLOWAY,</b>	:	
	:	
<b>Petitioner,</b>	:	
	:	
	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	
	:	
<b>CYNTHIA LINK, et al.,</b>	:	<b>NO. 17-2195</b>
<b>Respondents.</b>	:	

**ORDER**

**AND NOW**, this 18<sup>th</sup> day of December 2017, upon careful and independent consideration of Mr. Galloway's petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 (ECF Doc. No. 2), United States Chief Magistrate Judge Linda K. Caracappa's comprehensive Report and Recommendation (ECF Doc. No. 10), and Mr. Galloway's *pro se* objections to Judge Caracappa's Report and Recommendation (ECF Doc. No. 11), it is **ORDERED**:

1. Chief Judge Caracappa's Report and Recommendation (ECF Doc. No. 10) is **APPROVED and ADOPTED**.<sup>1</sup>

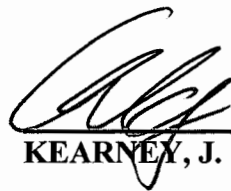
2. Mr. Galloway's Petition for a writ for *habeas corpus* under 28 U.S.C. § 2254 (ECF Doc. No. 1) is **DENIED** as to each of his five grounds for relief following his guilty plea to four counts of criminal attempt homicide, five counts of aggravated assault, persons not to

---

<sup>1</sup> Mr. Galloway argues: (1) ineffective assistance of trial counsel for facilitating an unknowing, involuntary and unintelligent plea in violation of the Sixth and Fourteenth Amendments; (2) violation of his Fourteenth Amendment right to due process and Sixth Amendment right to counsel because of failure to appoint or retain trial counsel to act as counsel; (3) violation of his due process rights when a judge who did not adjudicate his Petition for Modification (construed as a Post-Conviction Relief Act Petition) dismissed his petition; (4) denial of due process and equal protection under the Fourteenth Amendment when trial counsel allegedly presented fraudulent testimony and allegedly committed perjury during the Post-Conviction Relief Act hearing; and (5) violation of the Fifth and Sixth Amendments when trial counsel failed to advance a meritorious suppression motion and failed to raise this claim on collateral review. We reviewed each of Mr. Galloway's claims, Chief Judge Caracappa's Report and Recommendation, and Mr. Galloway's objections. Chief Judge Caracappa's detailed report fully addressed each of his claims and there is no merit in Mr. Galloway's petition.

possess or use firearms, and obliteration of marks of identification, and exhaustion of state appellate rights challenging his sentence, which Chief Judge Caracappa fully addressed in her comprehensive Report and Recommendation and, following our independent review, we find no basis for sustaining Mr. Galloway's arguments;

3. There is no basis for the issuance of a certificate of appealability<sup>2</sup>; and,
4. The Clerk of Court shall **CLOSE** this case.

  
\_\_\_\_\_  
KEARNEY, J.

---

<sup>2</sup> See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).